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Fresno, California

July 26, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

President Dages gave the invocation and led the Pledge of Allegiance.

PROCLAMATION OF NEIGHBORS IN HEALTH DAY

Read and presented.

APPROVE MINUTES OF JULY 19, 2005:

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of July 19, 2005, approved as submitted.

COUNCILMEMBER REPORTS AND COMMENTS:

(1) COMMENDATION TO STAFF FOR HERNDON AVENUE CLEAN-UP, AND (2) BEST WISHES EXTENDED TO THE DISCOVERY SPACE SHUTTLE FOR A SUCCESSFUL MISSION - COUNCILMEMBER DUNCAN

Commendation and best wishes extended.

(1) WELCOME TO TRANSPORTATION DIRECTOR RUDD IN NEW POSITION OF INTERIM ASSISTANT CITY MANAGER, (2) REQUEST TO STAFF TO REVIEW AND RETURN WITH RECOMMENDATION ON EITHER ELIMINATING OR ENFORCING THE BICYCLE LICENSE CODE, (3) CONCERN WITH THE CONTINUED CLOSURE OF THE NEW SANTA FE DEPOT, AND (4) REQUEST STAFF LOOK INTO DRIVERS CALCULATING COMMUTES LIKE THE CITY OF SEATTLE TO ENCOURAGE PUBLIC TRANSPORTATION - COUNCILMEMBER CALHOUN

(1) Welcome extended, (2) request made, (3) Assistant City Manager Ruiz advised the City and Amtrak were in the middle of negotiations and working through the issue of the \$607,000 that is owed the City, and stated the issue was expected to be resolved in 30 days, and (4) Transportation Director Rudd stated he would look into the Seattle issue.

(1) CONGRATULATIONS TO MR. RUDD, (2) COMMENDATION TO POLICE DEPARTMENT AND THE CARTER MEMORIAL AME CHURCH FOR THE SUCCESSFUL KEARNEY-COOLEY PLAZA BLOCK PARTY EVENT THIS PAST WEEKEND, (3) THANK YOU TO COUNCILMEMBER DUNCAN FOR THE "I LOVE WEST FRESNO" BUMPER STICKERS, (4) INVITATION TO ALL TO ATTEND AND SUPPORT THE "FULTON PLAZA THURSDAYS" EVENTS AT THE CLOCK TOWER, AND (5) THANK YOU TO FPOA FOR SUBMITTAL OF INFORMATIVE PACKAGE - COUNCILMEMBER STERLING

Congratulations/commendation/thank yous extended.

COMMENDATION TO THE SIKH COMMUNITY ON THE GROUNDBREAKING LAST SUNDAY FOR THEIR TEMPLE AT ASHLAN AND CORNELIA AVENUES - COUNCILMEMBER BOYAJIAN

Commendation made with Councilmember Boyajian advising this would be one of only 17 temples in the world.

FORMAL RECOGNITION/ANNOUNCEMENT OF BRUCE RUDD SERVING AS INTERIM ASSISTANT CITY MANAGER - ASSISTANT CITY MANAGER RUIZ

Recognized.

UPDATE ON PALM LAKES GOLF COURSE - COUNCILMEMBER WESTERLUND

Update given with Councilmember Westerlund advising another volunteer work day would occur this coming Saturday from 6 - 9 a.m. and invited Council to join in.

(1) REQUEST STAFF SCHEDULE THE SANTA FE DEPOT ISSUE FOR DISCUSSION IN CLOSED SESSION DUE TO THE IMPORTANCE TO THE COMMUNITY, AND (2) CONGRATULATIONS TO MR. RUDD - COUNCILMEMBER BOYAJIAN

Request made and congratulations extended.

(1) COMMENDATION TO MR. RUDD, (2) COMMENDATION TO STAFF FOR KINGS CANYON LANDSCAPING/WEED MAINTENANCE, (3) AND CONCERN WITH THE PERFORMANCE PLAN FOR THE POLICE DEPARTMENT - PRESIDENT DAGES

Commendations made, and relative to #3 President Dages expressed concern with the police performance plan issue stating he voted for goals and accountability and not for setting quotas and elaborated, and stated he may schedule a special meeting to discuss the matter, with Assistant City Manager Ruiz responding and clarifying issues. Councilmember Boyajian stated the matter warranted discussion and he welcomed that but a special meeting was not necessary as the Kronos/Cognos system would not be operating in the next two weeks. Councilmember Sterling spoke to the issue and also expressed her concern stating racial profiling was a great concern in her district and added she would support President Dages in any direction he wanted to go. Councilmember Westerlund added the Kronos/Cognos issue and the police performance plan were completely different matters, which was confirmed by Mr. Ruiz who also added the performance plan issue was developed before Kronos/Cognos. There was no further discussion.

APPROVE AGENDA:

(4:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JULY 19, 2005

(A) CONTINUED HEARING ON THE CONVENTION CENTER REDEVELOPMENT PLAN

1. FINDING THAT THE PROPOSED AMENDMENTS, AS REFLECTED BY THE AMENDED PLAN, CONFORM TO THE GENERAL PLAN AND ADOPTING ENVIRONMENTAL FINDING OF CONFORMITY/MEIR PREPARED FOR E.A. NO. RDA 2005-1 (*JOINT ACTION*)
2. FINDING THAT THE CONVENTION CENTER REDEVELOPMENT PLAN, AS PROPOSED TO BE AMENDED, IS CONSISTENT WITH THE GENERAL PLAN INCLUDING THE HOUSING ELEMENT (*JOINT ACTION*)
3. BILL - ADOPTING THE 2005 AMENDMENTS TO THE CONVENTION CENTER REDEVELOPMENT PLAN (*JOINT ACTION*) (*CONTINUE TO AUGUST 30, 2005, AT 4:30 P.M.*)

Continued as noted.

(1-E) RESOLUTION - CONSIDERING A CHANGE IN THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR CFD NO. 2, ANNEXATION NO. 93, FINAL TRACT NO. 5141

Removed from the agenda by staff.

(1-I) APPROVE REQUEST BY THE LAW FIRM OF MOTSCHIEDLER, MICHAELIDES & WISHON FOR A CONFLICT OF INTEREST WAIVER REGARDING CITY OF FRESNO V. PINEDALE PUBLIC UTILITIES DISTRICT

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Removed from the agenda by staff.

**** (10:00 A.M.) HEARING ON CFD NO. 2, ANNEXATION NO. 99, FINAL TRACT MAP NO. 5290**

1. RESOLUTION - ANNEXING TERRITORY
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-006 AND FUTURE TAX YEARS

City Clerk Klisch advised staff was requesting the hearing be continued to August 16th and recommended the time of 9:55 a.m.

(**Note - After action was taken to approve the agenda it was determined staff was requesting the 10:05 a.m. hearing be continued, not the 10:00 a.m. hearing, and corrective action was then taken.)

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke in support of Item **1-F** stating regulations were needed, and spoke to the number of items scheduled this date which involved LAFCO.

Councilmember Perea pulled Item **1-D** and Councilmember Calhoun pulled Item **1-R** from the consent calendar for later discussion. Councilmember Calhoun also expressed his support for the Chandler Airport items scheduled this date.

City Clerk Klisch advised the corrected resolution title for Item **1-R** was: "*AMENDING THE FINANCING PROGRAM FOR PUBLIC FACILITY FEES*". So noted.

Councilmember Boyajian pulled Item **1-K** for later discussion. Councilmember Sterling also expressed her support for the Chandler items. President Dages registered a "NO" vote on Item **1-S**.

(1-A - ITEM REMOVED FROM THE AGENDA)

(1-B) APPROVE RENEWAL OF THE CONTRACT BETWEEN THE FRESNO CITY COLLEGE POLICE ACADEMY AND THE FRESNO POLICE DEPARTMENT FOR CONTRACT INSTRUCTION, TRAINING CREDIT, AND ASSESSMENT AND COUNSELING SERVICES, AND AUTHORIZING AN INCREASE IN THE FEE PER STUDENT RECEIVED FROM CITY COLLEGE TO \$2.50 PER INSTRUCTIONAL HOUR

(1-F) ESTABLISHING MINIMUM STANDARDS FOR AVIATION SERVICE PROVIDERS DOING BUSINESS AT FRESNO CHANDLER EXECUTIVE AIRPORT

(1-G) APPROVE AN AMENDMENT TO THE LEASE WITH BURGUNDY PARTNERS LLC AT FYI TO EXTEND SAME BUSINESS PRIVILEGES TO, AND ADD PROPERTY AT, FRESNO CHANDLER EXECUTIVE AIRPORT

(1-H) AWARD A PRIMARY REQUIREMENTS CONTRACT TO BSK ANALYTICAL LABORATORIES AND A SECONDARY REQUIREMENTS CONTRACT TO THE TWINING LABORATORIES FOR WATER QUALITY TESTING (REBID)

(1-J) APPROVE "VIEWFRESNO" AS AN ONLINE WEB-ACCESSIBLE MAPPING AND GEO-REFERENCED INFORMATION RETRIEVAL SERVICE HOSTED BY THE CITY OF FRESNO TO THE PUBLIC ON A CHARGE FOR ACCESS BASIS

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1. AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO ACT AS THE "DULY AUTHORIZED AGENT OF THE AUTHOR" (CITY OF FRESNO) TO EXECUTE APPLICATIONS FOR U.S. COPYRIGHT AND CALIFORNIA TRADEMARK REGISTRATION IN CONJUNCTION WITH "VIEWFRESNO" SOFTWARE APPLICATION CODE
2. AUTHORIZE THE CHIEF INFORMATION OFFICER OR DESIGNEE TO NEGOTIATE AND EXECUTE DATA SHARING AGREEMENTS AS NECESSARY WITH OTHER AGENCIES THAT MAY DESIRE TO ACCESS, SHARE AND/OR CONTRIBUTE DATA CONTENT TO THE "VIEWFRESNO" SERVICE APPLICATION
3. **RESOLUTION NO. 2005-321** - 433RD AMENDMENT TO MFS RES. 80-420 ESTABLISHING A CHARGE FOR PUBLIC ACCESS TO THE "VIEWFRESNO" SERVICE

(1-L) CONSIDER THE PROPOSED BELMONT-SUNNYSIDE NO. 1B REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO (DISTRICT 5)

1. AFFIRMING THE CITY COUNCIL'S ACTION OF MAY 10, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-05-13/C-05-62 DATED MARCH 14, 2005, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR
2. **RESOLUTION NO. 2005-322** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED BELMONT-SUNNYSIDE NO. 1B REORGANIZATION

(1-M) CONSIDER THE PROPOSED BULLARD-GRANTLAND NO. 3B REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO

1. AFFIRMING THE CITY COUNCIL'S ACTION OF APRIL 12, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-65/T-5338 DATED JANUARY 27, 2005, RESULTING IN A FINDING OF CONFORMITY
2. **RESOLUTION NO. 2005-323** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED BULLARD-GRANTLAND NO. 3 REORGANIZATION

(1-N) CONSIDER THE PROPOSED MCKINLEY-POLK NO. 4C REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO

1. AFFIRMING THE CITY COUNCIL'S ACTION OF APRIL 12, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-04/T-5251 DATED FEBRUARY 25, 2005, RESULTING IN A FINDING OF CONFORMITY
2. **RESOLUTION NO. 2005-324** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED MCKINLEY-POLK NO. 4C REORGANIZATION

(1-O) CONSIDER THE PROPOSED SHAW-BRYAN NO. 3 REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO

1. AFFIRMING THE CITY COUNCIL'S ACTION OF APRIL 12, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-54/T-5352 DATED JANUARY 27, 2005, RESULTING IN A FINDING OF CONFORMITY
2. **RESOLUTION NO. 2005-325** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED SHAW-BRYAN NO. 3 REORGANIZATION

(1-P) APPROVE SECOND AMENDMENT TO THE AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR ADDITIONAL GROUNDWATER RECHARGE CAPACITY AT BASINS 'BH' AND 'BS', AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES OR DESIGNEE TO ENTER INTO THE AGREEMENT ON BEHALF OF THE CITY

(1-Q) **RESOLUTION NO. 2005-326** - APPROVING THE CITY'S HEALTH AND WELFARE CONTRIBUTION FOR THE MAYOR AND CITY COUNCIL MEMBERS

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None

Absent : None

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(1-S) BILL NO. B-77 - ORDINANCE NO. 2005-79 - AMENDING THE OFFICIAL LIST OF DESIGNATED SPECIAL SPEED ZONES PURSUANT TO FMC SECTION 10-1601 DESIGNATING SPEED LIMITS FOR VARIOUS STREETS

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-78 adopted as Ordinance No. 2005-79, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund
 Noes : Dages
 Absent : None

****CLARIFICATION ON THE 10:00 A.M. AND 10:05 A.M. HEARINGS (CONTINUED FROM EARLIER ACTION)**

City Clerk Klisch clarified staff had requested the 10:05 a.m. hearing be continued to August 16th, not the 10:00 a.m. hearing, and the following action was taken.

(10:05 A.M.) HEARING ON CFD NO. 2, ANNEXATION NO. 98, FINAL TRACT MAP NO. 5261

1. RESOLUTION - ANNEXING TERRITORY
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-006 AND FUTURE TAX YEARS

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the 10:00 a.m. Hearing added back to the agenda, and the above entitled 10:05 a.m. Hearing continued to August 16, 2005, at 9:55 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD:

(A) SCHEDULED COMMUNICATION: APPEARANCE BY COLIN DOUGHERTY, COMCAST MEDIA AND COMMUNICATIONS MANAGER, TO INTRODUCE A NEW SUBSCRIBER SERVICE: VIDEO ON DEMAND (VOD)

Not present when called.

(B) UNSCHEDULED COMMUNICATION:

APPEARANCE BY HARLEY TURNER REGARDING WEED PROBLEMS, LACK OF ACCOUNTABILITY, AND CONCERN WITH THE WATER AND WATER METER ISSUES

Appearance made.

APPEARANCE BY BARBARA HUNT REGARDING WEST FRESNO SCHOOL DISTRICT PROBLEMS

Appearance made **(2 - 0)**.

(2-A) RESOLUTION NO. 2005-327 - DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH OR PROPERTY, WAIVING THE FORMAL ADVERTISED COMPETITIVE BIDDING REQUIREMENTS, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO A CONTRACT WITH AMERICAN STANDARD, INC., d.b.a. THE TRANE

COMPANY, FOR THE REPLACEMENT OF WATER CHILLERS, COOLING TOWERS AND ASSOCIATED EQUIPMENT AT THE CONVENTION CENTER IN AN AMOUNT NOT TO EXCEED \$2,694,398

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General Services Director Nerland reviewed the issue as contained in the staff report as submitted, and along with Assistant City Manager Ruiz clarified issues and responded to questions, comments and/or concerns of Councilmembers Boyajian, Perea and Duncan relative to why this matter had not come to Council earlier, perception of trying to avoid the competitive bid process, concern with discussions/negotiations occurring on the rebate, need for competitive bidding to obtain the best deal, why this matter was before Council if it was already included in the budget, if lack of funds was the reason the replacement did not occur one year ago, and consequences/if quality of service at the Convention Center would be adversely impacted if not approved. A motion and second was made to approve staff's recommendation. Public Works Director Healey responded briefly to questions/comments of Councilmember Sterling relative to what was going to happen with the heating system, if problems would be encountered this coming winter, and concern with piecemealing. Councilmember Sterling requested staff keep Council informed.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-327 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(2-B) BILL NO. B-78 - ADOPTING CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF TRUCK ROUTES DESIGNATING STREETS FOR THE MOVEMENT OF VEHICLES EXCEEDING 12,000 POUNDS MAXIMUM GROSS WEIGHT

Traffic Engineering Manager Benavides gave an overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support of the issue.

Mr. Benavides responded to questions of Councilmembers Duncan and Westerlund relative to whether eliminating Fowler Avenue would result in any safety hazards, if staff was comfortable with removing Fowler from the truck route list, if Fowler was going to be built out to four lanes, safety hazards and schools on Ashlan Avenue and why Ashlan was different from Fowler, why the Fowler truck route was being eliminated all the way to Jensen, why the route was not extended up to Shields, if there would be on and off-ramps on Fowler to 180, if Fowler truck traffic would move to Temperance or Clovis Avenues, if there was already a problem with Clovis Avenue traffic, and current rating for Clovis Avenue.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-78 introduced before the City Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages
 Noes : Westerlund
 Absent : None

(3-A) DISCUSSION AND DIRECTION ON THE POTENTIAL SHIFTING AND REPOSITIONING OF THE DESIGNATED CALIFORNIA STATE ENTERPRISE ZONE - COUNCILMEMBER WESTERLUND

Councilmember Westerlund reviewed the issue as contained in his report to Council and spoke to the need for the Enterprise Zone (EZ) to move further south, and made a motion to direct staff to research and report on shifting and repositioning the EZ to areas in the Roeding and South Industrial areas.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Sterling spoke in support and questioned if Councilmember Westerlund had specific areas in mind, if the shift was to also benefit housing developments, and if the Enterprise Zone served its purpose and now needed to be moved to other areas, with Councilmember Westerlund and Assistant City Manager Ruiz responding. Councilmember Calhoun stated this was very appropriate but

questioned why staff did not bring this matter forth stating they were paid to monitor things like this, expressed his concern stating this should have been considered years ago, questioned why staff and the Economic Development Corp. were not present, noted this matter had not been discussed in the economic development meetings and was an appropriate topic for those meetings, stated this was "lousy planning", questioned

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if the EZ had attracted any businesses in the past four years **(3 - 0)**, and stated he was not happy with staff and staff should bring matters to Council before they expire, with Mr. Ruiz and an unidentified staff member responding throughout.

Discussion continued with Councilmember Westerlund and Mr. Ruiz responding to questions and/or comments of Councilmembers Perea, Duncan, Boyajian and Sterling relative to why neighborhoods were included in the EZ, need to ensure existing businesses are not impacted, Council action adding the Mid State Bowl property to the EZ/staff now saying the property is not in the EZ/and what happened, and need to direct staff to also look at the Empowerment Zone to allow for more job opportunities.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to research and report on the possibility of shifting and repositioning the Enterprise Zone to areas in the Roeding and South Industrial areas, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(3-B) REQUEST APPROVAL OF THE ANTI-SLUM STRIKE FORCE AND THROUGH THE MAYOR AND CITY MANAGER DIRECT STAFF TO IMPLEMENT THE ANTI-SLUM STRIKE FORCE, DIRECT THE CITY ATTORNEY TO DRAFT ANY ENABLING LEGISLATION THAT MAY BE REQUIRED, AND DIRECT THE STRIKE FORCE TO WORK IN CONJUNCTION WITH FRESNO COUNTY AGENCIES - COUNCILMEMBER WESTERLUND

Councilmember Westerlund gave a lengthy overview of the issue, all as contained in his report to Council as submitted, spoke to issues that have come up relative to the chair person and stated he would like to be the chair if this is approved, and advised he has worked closely with code enforcement since he came on council and recognized and thanked community housing groups, the California Apartment Association, code enforcement, former code enforcement manager Villa and Councilmember Perea for all their work.

Speaking in support of the issue were: Tony Miranda, Fresno Housing Alliance; Kim Thompson, Fresno Interdenominational Refugee Ministries (FIRM) and FHA; Keith Berthold, Relational Culture Institute, who spoke to specific issues of the proposal and made suggestions to make the strike force more effective; and Barbara Hunt, 2475 S. Walnut.

Councilmember Sterling spoke in support of the issue stating this would put landlords and new developers on notice. A motion and second was made to approve the Anti-Slum Strike Force and direction to staff.

Extensive discussion ensued. Councilmember Duncan spoke in support of Arizona's process and in strong support of the motion and added he wanted to see regular status reports. Councilmember Perea commented on the issue at length, stated he did not want to see more problems created at the expense of trying to solve others and explained, stated he wanted to see stronger leadership to ensure success is measured and to address retaliation issues, and presented questions/additional comments relative to whether all county agencies were on board, **(4 - 0)** need for status reports, staffing the strike force by re-prioritizing code enforcement staff and if other code enforcement efforts will suffer to address this issue, what other issues the strike force can address, and how slum properties will be tracked, with Councilmember Westerlund and Interim Code Enforcement Manager Robertson responding throughout. Councilmember Calhoun commented on the issue and advised of his various concerns, stated he was unclear with the motion, and upon his request City Attorney Montoy stated the spirit of the whole topic was there with everyone, suggested Council step back a bit and recommended the motion be to approve the Anti-Slum Strike Force concept and direct staff to work with the city attorney and other agencies to bring back a report and enabling legislation, which she stated would help to answer a number of questions presented by Council, and further elaborated on the issue and other city task forces that have made recommendations.

Lengthy discussion continued. Councilmember Westerlund stated the composition of the strike force was considered at length and further clarified issues/concerns expressed by Councilmember Calhoun. Councilmember Boyajian spoke to the issue at length and in support stating this was on the right track and it could be tweaked if needed. Councilmember Duncan encouraged Councilmember Westerlund to not change the motion stating it was critical to get this going. Councilmember Westerlund stated he appreciated the city

attorney's recommendation but he would keep the motion as is. Assistant City Manager Ruiz stated he would work with Councilmember Westerlund to move this forward and tweak it if appropriate. President Dages stated it was a huge mistake to leave the public out, noted no one was present from the Apartment Association to give their perspective of what they go through, and questioned if a mechanism was in place to keep rents the same

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on those properties the strike force goes after, if all codes/laws were currently in place, and if the strike force was being put in place to implement the code/laws, with Councilmember Westerlund and staff responding **(5 - 0)**. President Dages thanked code enforcement staff for all they do.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, (1) the Anti-Slum Strike Force hereby approved, (2) staff directed, through the Mayor and City Manager, to implement the Strike Force, (3) the City Attorney requested to return within 60 days with any enabling legislation that may be required consistent with Attachment A of the Report to Council, and (4) the Strike Force to work in conjunction with County agencies, subject to approval of the Board of Supervisors and appropriate elected officials, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Calhoun
 Absent : None

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(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-05-21 AND ENVIRONMENTAL FINDINGS, FILED BY LARS ANDERSEN AND ASSOCIATES ON BEHALF OF ROBERT LARSEN, PROPERTY LOCATED ON THE SOUTH SIDE OF W. ASHLAN BETWEEN N. CORNELIA AND N. BLYTHE AVENUES IN COUNCIL DISTRICT 1

1. CONSIDER AND ADOPT E.A. NO. T-5489/R-05-21/C-05-91, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-79 - ORDINANCE NO. 2005-80 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Sanchez gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Mr. Sanchez responded briefly to questions of Councilmember Boyajian relative to whether the project would be a gated community and street issues and if Ashlan Avenue would be widened. Councilmember Boyajian noted there was no opposition from Caltrans and made a motion to approve staff's recommendation.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. T-5489/R-05-21/C-05-91 dated June 16, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-79 rezoning the subject property adopted as Ordinance No. 2005-80, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

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(10:00 A.M.) HEARING ON CFD NO. 2, ANNEXATION NO. 99, FINAL TRACT MAP NO. 5290

1. RESOLUTION NO. 2005-328 - ANNEXING TERRITORY

2. RESOLUTION NO. 2005-329 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2005-330 - DECLARING ELECTION RESULTS

4. BILL NO. B-80 - ORDINANCE NO. 2005-81 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-006 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician

Paff gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Dages closed the hearing.

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On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-328, 2005-329 and 2005-330 hereby adopted, and the above entitled Bill No. B-80 adopted as Ordinance No. 2005-81, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(10:45 A.M.) HEARING ON REZONE APPLICATION NO. R-04-81 AND ENVIRONMENTAL FINDINGS, FILED BY GRANVILLE HOMES, PROPERTY LOCATED ON THE NORTH SIDE OF W. SHIELDS BETWEEN N. GRANTLAND AND N. POLK AVENUES IN COUNCIL DISTRICTS 1 AND 2

1. CONSIDER AND ADOPT E.A. NO. R-04-81, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-81 - ORDINANCE NO. 2005-82 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO AE-5/UGM (20 acres), R-1/UGM (252 acres) AND C-1/UGM (20 acres)

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Applicant representative Jeff Roberts, 1396 W. Herndon, who requested Council's support; Barbara Hunt, 2475 S. Walnut, support; and Letha Orgle, 3256 N. Grantland, who resides directly a cross from the project and spoke to the need to be sensitive to the area's way of life and requested their property and way of life not be taken.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Boyajian stated the developer was boot-strapping the EIR and spoke to the need for one to see the impacts on the rural area. Councilmember Westerlund stated the issue this date was rezoning the property to be consistent with the general plan, questioned if the intent was to conduct at EIR at some point (with Mr. Roberts responding affirmatively), and requested the applicant speak to area residents about the alignment issue. Councilmember Sterling recommended a citizen's committee be formed to make the process inclusive and to keep area residents informed stating this would be a huge project and would affect people. Councilmember Boyajian commented further on the EIR issue and how the project would impact the area, with Mr. Roberts and City Attorney Montoy responding and clarifying issues.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-81, dated May 26, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-81 rezoning the subject property adopted as Ordinance No. 2005-82, by the following vote:

Ayes	:	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Boyajian
Absent	:	None

LUNCH RECESS - 12:13 P.M. - 2:01 P.M.

(11:00 A.M.) DISCUSSION AND DIRECTION TO STAFF TO DEVELOP IMPROVED SAFETY STRATEGIES AND A RECOMMENDATION ON ILLEGAL FIREWORKS - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the issue as contained in his memorandum to Council as submitted, clarified his concern was

with illegal fireworks, and stated he did not have all the facts and had not received any detailed information from staff on instances that occurred this past 4th of July and requested the city manager provide (1) a report from staff on how many calls for service, reports of illegal fireworks, and damage or injury incidents that resulted from illegal fireworks, and (2) staff recommendations on a strategy to curb illegal fireworks, including but not limited to, options for a public awareness and education campaign, stricter fines and penalties for dangerous and illegal fireworks sales and use, and reasonable enforcement strategies. President Dages requested the number of citations issued by both the police and fire departments also be included in the report, which was accepted by Councilmember Calhoun. Councilmember Sterling advised she was working with an organization that was looking at housing/fireworks safety factors and she would keep Council informed. Councilmember

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Perea expressed his support stating the request was more than reasonable, he looked forward to staff coming up with some pro-active or enforcement solutions, and commented briefly on the problem of illegal fireworks. There was no further discussion.

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(3-C) REQUEST STATUS REPORT ON THE CREDIT CARD FEE, COLLECTIONS CHARGE, AND CELL PHONE AUDIT - COUNCILMEMBER BOYAJIAN

Briefly reviewed by Councilmember Boyajian who stated he wanted a report in 60 days on whether these charges/fees/savings were possible and could help as additional revenue streams noting the City would be facing some financial issues. Interim Controller/Finance Director Bradley gave a brief update and overview of studies/audits conducted by her department, stated she could provide a report in 60 days, and responded briefly to questions of Councilmembers Boyajian and Calhoun **(6 - 0)** relative to the studies/audits, the collections issue, and the city of Newport Beach's centrally monitored computer collection system and if Fresno had the ability to do the same. There was no further discussion.

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(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-C) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A THREE YEAR LEASE AGREEMENT WITH THE MARK AND TAMI GRAHAM FAMILY TRUST, FOR INDOOR PARKING AND CLASSROOM SPACE AT 5280 E. PINE STREET, FOR THE POLICE DEPARTMENT EOD, SWAT AND TRAINING UNITS

Upon question of Councilmember Westerlund, Lt. Bennink clarified the cost figure contained in Page 1/Paragraph 8 of the Lease Agreement should have been \$500 and not \$500,000 as indicated.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the 3 year lease agreement with The Mark and Tami Graham Family Trust for indoor parking and classroom space at 5280 and 5282 E. Pine Street hereby approved, *as amended*, on Page 1/Paragraph 8, changing the cost figure from \$500,000 to \$500, and the Chief of Police authorized to enter into the lease agreement, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(1-D) RESOLUTION NO. 2005-331 - 9TH AMENDMENT TO AAR 2005-286 FOR THE RE-BUDGET OF CAPITAL PROJECTS IN THE UGM TRAFFIC SIGNAL FEE FUND TO PROVIDE FOR THE COMPLETION OF CAPITAL IMPROVEMENT PROJECTS THAT WERE PREVIOUSLY APPROVED BY COUNCIL

Assistant Design Services Manager Mozier responded to questions of Councilmembers Perea and Boyajian relative to the two groups of projects including if any changes would be made, construction time lines/completion dates, delays, rankings, and funding. Staff was requested to provide Council with a project priority list and construction schedule.

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-331 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-K) FIRE HYDRANT INSPECTION PROGRAM

1. RESOLUTION NO. 2005-332 - 8TH AMENDMENT TO AAR 05-286 APPROPRIATING \$103,000 TO THE FIRE DEPARTMENT FOR STAFFING COSTS RELATED TO FULL IMPLEMENTATION OF THE PROGRAM

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2. RESOLUTION NO. 2005-333 - 4TH AMENDMENT TO PAR 05-287 ADDING THREE FIREFIGHTER TRAINEE POSITIONS AND ONE PART-TIME STAFF ASSISTANT POSITION TO THE FIRE DEPARTMENT BEGINNING AUGUST 1, 2005, TO FULLY IMPLEMENT THE PROGRAM

3. RESOLUTION NO. 2005-334 - 3RD AMENDMENT TO SALARY RES 05-290 TO IMPLEMENT THE HOURLY RATE FOR THE FIREFIGHTER TRAINEE POSITION

Fire Bureau Chief Aranaz, Assistant City Manager Ruiz, Budget Manager Smith, Interim Public Utilities Director Weimiller and City Attorney Montoy responded to questions of Councilmember Boyajian and/or clarified issues relative to who owned the hydrants, who would be billed for the fees, funding source/how public utilities would pay the charges, if there was ever a fee for hydrant maintenance, if the rate-payers would be paying for the service, and how the in-lieu fee issue would be resolved. Councilmember Westerlund briefly left the meeting at 2:43 p.m. during questioning.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-332, 2005-333 and 2005-334 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Dages
 Noes : Boyajian
 Absent : Westerlund

Councilmember Westerlund returned to the meeting at 2:45 p.m.

(1-T) BILL NO. B-82 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO RESIDENCY REQUIREMENTS FOR OUTSIDE RETIREMENT BOARD MEMBERS

Upon question of Councilmember Westerlund, Retirement Administrator McDivitt clarified the amendment would allow a person residing in the entire county -- not just in county islands -- to serve on the Board, and Councilmember Calhoun spoke briefly in support.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-82 introduced before the City Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-R) RESOLUTION NO. 2005-335 - AMENDING THE FINANCING PROGRAM FOR PUBLIC FACILITY FEES

Interim Controller/Finance Director Bradley, Assistant Public Works Director Kirn and City Attorney Montoy responded to questions of Councilmember Calhoun relative to what was at issue, why this matter was before Council, and if this made sense to staff.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2005-335 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None

Absent : None

(2:30 P.M.) HEARING ON THE FORMATION OF COMMUNITY FACILITIES DISTRICT (CFD) NO. 2005-1 - RUNNING HORSE

- 1. RESOLUTION NO. 2005-336 - FORMING CFD NO. 2005-1 AND AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN, AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR, THE DISTRICT**
- 2. RESOLUTION NO. 2005-337 - DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS**
- 3. RESOLUTION NO. 2005-338 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 4. RESOLUTION NO. 2005-339 - DECLARING ELECTION RESULTS**

President Dages announced the time had arrived to consider the issue and opened the hearing.

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Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted, and at his request the city clerk submitted to Council the results of the special election which demonstrated support for the formation of the district and the levying of a special tax. City Attorney Montoy clarified (1) a financing mechanism was before Council this date and explained, (2) 100% of the property owners voted in favor of the special tax and explained, and (3) documents/information received by HEAT Foundation founder Wesley Flowers protesting the tax was not appropriate to this matter as the 201 people objecting were not the proper ones to vote against the tax because they would not be taxed as they were not property owners within the proposed district.

Wesley Flowers, HEAT Foundation, requested a statement in writing that no residents in southwest Fresno would be taxed for the Running Horse project and elaborated, with Ms. Montoy stating that would be done. **(7 - 0)** President Dages and Councilmember Sterling responded further to Mr. Wesley's comments and concerns.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling spoke briefly to the history of the issue, stated a lot of time and effort had been expended and this was going to be a state-of-the-art project for the area, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2005-336, 2005-337, 2005-338 and 2005-339 hereby adopted by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

- 1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) - BASIC UNIT**
- 2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) - MANAGEMENT UNIT**
- 3. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)**

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

- 1. SAMMY TAYLOR, ET AL. V. COF, ET AL.**
- 2. FRESNO POLICE OFFICERS ASSOCIATION (FPOA) V. COF, ANDREW T. SOUZA**
- 3. JOAN DALGETY, JACOB R. SMITH, V. COF, ET AL.**

The City Council met in closed session in Room 2125 at the hour of 3:20 p.m. to consider the above matters and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:08 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

Approved on the ____16th____ day of ____August____, 2005.

_____/s/_____
Mike Dages, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk